

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GARY CRUZ, and CLAUDE PAIN, Individually  
and on behalf of all others similarly situated,

Plaintiffs,

-against-

TD BANK, N.A.,

Defendant.

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10 CIVIL 8026 (PKC)

**JUDGMENT**

Defendant TD Bank having moved to dismiss plaintiffs' Amended Complaint pursuant to Fed. R. Civ. 12(b)(6), and the matter having come before the Honorable P. Kevin Castel, United States District Judge, and the Court, on March 2, 2012, having rendered its Memorandum and Order granting TD Bank's motion to dismiss the Amended Complaint, and directing the Clerk to enter judgment for the defendant, it is,

**ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum and Order dated March 2, 2012, defendant TD Bank's motion to dismiss the Amended Complaint is granted, and judgment is hereby entered for defendant.

**Dated:** New York, New York  
March 5, 2012

RUBY J. KRAJICK

Clerk of Court

BY:

Deputy Clerk

THIS DOCUMENT WAS ENTERED  
ON THE DOCKET ON \_\_\_\_\_